

the implementation of a Materials Accounting program will dilute the focus of TRI by forcing businesses to commit finite resources to trivial or even nonexistent risks, rather than more pressing, real risks. It will also unnecessarily confuse citizens. This does not make good policy sense. Chemical use is not directly related to information a community must receive about the real risks faced from actual releases from neighborhood facilities.

In my view, TRI should focus on telling the American public about the risks directly associated with exposure to chemical releases. This was the view of Congress back in 1988 when TRI was enacted. If EPA is looking for a new mission, it should expand its public outreach efforts by the communication of risk information that is both meaningful and understandable.

EPA should undertake practical and timely risk communications which are locally based. Risk communication is the heart and soul of a community's right-to-know. Reporting to citizens the number of pounds per year release of a certain chemical is neither valuable nor worthwhile information. It says nothing about potential risks to human health or the environment. Real risk depends on three factors: First, inherent toxicity of the material; second, its concentration; and third, its location relative to humans. Unfortunately, this simple scientific formula has been ignored by EPA.

EPA also should stop trying to increase the number of chemicals on the list without first ensuring that sound science-based criteria are in place. More listings without scientific criteria will not automatically make a community safer. EPA must first have a clear understanding of the real exposure risk to avoid public confusion. EPA should use the accepted basic risk formula.

Last, EPA does not have the statutory authority to collect and then disseminate information about chemical use. The Emergency Planning and Community Right-to-Know Act explicitly states the types of information that may be collected by EPA. While all this information bears an indirect relationship to potential releases and emissions, the Act does not allow EPA to disperse sensitive chemical use information. This proposal, therefore, is well beyond the scope of the basic statute which established the TRI Program.

Let me remind my colleagues that Congress considered the use aspect when the original program was created. And, chemical use was explicitly and consciously rejected.

"Materials Accounting" raises more questions than it answers.

Regulations are powerful, but they shift America's resources poorly. Because regulations cause consumers and businesses to spend a good deal of their money in ways they do not freely choose, Congress must first consider the consequences of this coerced spend-

ing before it becomes our public policy. A rule that has a \$1 billion consequence is a rule that deserves the attention of Congress.

With claims, counterclaims and even the withdrawal-of-claims that there are growing risks from everything around us, it is even more imperative for every citizen to know where the true risks are coming from. I believe the American people want their elected officials to look carefully into all aspects of environmental protection. The following questions need to have a response in the public record:

(a) What benefit does the public derive from the publication of incomprehensible data on chemical use which has no correlation to risk from exposure?

(b) Would the public benefit more from a prioritization of "worst case" emission risks to human health than use reporting?

(c) How will EPA protect the proprietary formulations that are a valuable intellectual property?

Mr. President, it is clear that the administration's materials accounting approach has no statutory basis. It is also clear that it will place an enormous burden on America's industrial communities. As a result, American jobs will be sacrificed for questionable, even limited, community environmental benefit.

It is clear to me that congressional action must precede any administrative action.

Mr. President, I stand here today, along with many of my Senate colleagues who are committed to protecting and informing communities in our home States. We want to work on refining the policies which will update the TRI program. We want to make it truly responsive to the communities living nearest the facilities while preserving the right of businesses to remain competitive in the global marketplace.

I would like to pause and take a philosophical view for just a moment. Let's step back from TRI and consider all regulations in general. In the aggregate, regulatory compliance costs Americans around \$670 billion every year—nearly 10 percent of our economy's GDP. This is substantial both in terms of dollars and percentage. This is why our public policy must meet this challenge in a systematic, responsive and balanced manner.

Basic fairness must be an integral part of the solution as Congress reviews and updates any regulation. Basic fairness should also be part of the equation used by the administration as it approaches new initiatives. Basic fairness is the American way.

The focus of the issue must not be whether we need environmental protection enforcement—of course we do. Rather we must look at how to achieve effective and appropriate environmental protection. Congress must ensure that both the enforcement agencies and the regulated community have

incentives to encourage compliance. There must also be a mechanism for the agencies to prioritize environmental initiatives. And, of course, this process must respect our Bill of Rights.

I started today by reporting on TRI's success story, and the agency's response of adding more reports and more costs. This could undermine the existing voluntary efforts of industry. I think everyone would agree that cooperative problem solving approaches work better than adversarial methods. The latter could even produce disdain and lawlessness.

I also started by saying that states deserve part of the credit for the TRI success story. State governments have come a long way in terms of developing their own core levels of expertise. As regulations are updated, Congress must recognize states as a genuine partner in protecting our environment.

The wisdom of this is demonstrated in a separate but vital illustration of state ingenuity. Seventeen states, including my own state of Mississippi, have developed a voluntary environmental audit process, and early indications are that the process is working. It is an alternative to the one-size-fits-all, Washington-expert, command-and-control methods mandated in the past. It is common sense, and it actually produces positive results for our environment at less cost. It represents basic fairness. This is what Congress ought to be advocating.

Mr. President, I want to conclude by saying that Congress needs to turn the spotlight back to TRI's original intent. This can be achieved by having both Congress and the EPA answer one fundamental question: What chemical release information will be useful to people living near an industrial facility?

#### TRIBUTE TO RALPH GABBARD

Mr. FORD. Mr. President, Kentucky and the Nation suffered a great loss last week with the passing of Mr. Ralph Gabbard. Ralph was a nationally known broadcast executive, serving as president of Gray Communications. He was a leader in the television broadcast industry in my State, and ultimately was a national leader as well. Ralph was at the forefront of the industry's development in Kentucky for the better part of the last 30 years, including successful efforts to bring a television station to the mountains of eastern Kentucky.

Among other things, he served as chairman of the CBS Affiliates Advisory Board and the National Association of Broadcasters television board. Most recently, Ralph played a significant role in industry discussions with the Clinton administration which led to the announcement of steps to improve the quality of children's programming.

But beyond the long list of personal accomplishments, Ralph was probably best known for his integrity, his honesty, and his common courtesy in dealing with others. I was privileged to

deal with Ralph on more than one occasion, and had great respect and trust in his abilities. He was a true asset for my State, and his presence will be missed.

Mr. President, I ask that two articles which recently appeared in the Lexington Herald-Leader describing the life and accomplishments of Ralph Gabbard be inserted into the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

NATIONALLY KNOWN BROADCAST EXECUTIVE  
ROSE FROM KENTUCKY TEEN DISC JOCKEY

(By Jennifer Hewlett)

Ralph Gabbard, who rose from teen-age disc jockey to a TV station executive in Lexington to a nationally known figure in the broadcast industry, died while in Boston on a business trip. He was 50.

Security workers at the Four Seasons Hotel found Mr. Gabbard, president and board member of Gray Communications Systems Inc., dead about 7 a.m. yesterday, apparently of a heart attack, after he failed to answer a wake-up call, said Bill Fielder, chief financial officer of Gray, who had dinner with Mr. Gabbard Monday night.

Gray Communications, based in Georgia, owns several TV stations, including WKYT (Channel 27) in Lexington and WYMT (Channel 57) in Hazard.

Mr. Gabbard was perhaps best known for his affiliation with the two Kentucky CBS-affiliated stations, where he spent much of his career before moving up the industry ladder.

He was thought to have been the first person to do on-air television editorials in the Lexington market. He also was credited with bringing the people of the mountains of Eastern Kentucky closer together through WYMT.

"No one will disagree with this statement; no one can. Ralph Gabbard defined and dominated this television market for a quarter century. All you had to do with Ralph was convince him something was necessary to be the best, to be No. 1, and it was done," said Barry Peel, who covers state government for WKYT's Frankfort bureau.

Peel said that Mr. Gabbard was instrumental in WKYT's decision to outbid WLEX-TV (Channel 18) for the University of Kentucky coaches' shows and the right to broadcast replays of UK games. Some thought he was "nuts" because the high bid initially lost money for the station. In the end, Channel 27's identity with UK sports has been a key to its dominance, Peel said.

"To be identified with UK sports is a major component of image, and, let's face it, we're in the image business. He knew that and time has proven him right," Peel said.

Mr. Gabbard recently stepped down as chairman of the National Association of Broadcasters television board. He had served as chairman of the CBS Affiliates Advisory Board, which represents more than 200 CBS stations nationwide, and was a member of the Network Affiliated Stations Alliance Steering Committee, which represents more than 650 CBS, ABC and NBC affiliates in congressional issues affecting telecommunications.

He met with President Clinton in March to discuss children's television.

"Ralph was an exceptional person in so many ways. He was an honest man with a real commitment to the business of broadcasting and the audiences we serve," said Peter Lund, president and chief executive officer of CBS Inc.

Mr. Gabbard also led the drive several years ago to revitalize Renfro Valley in Rockcastle County, where many country music stars had performed.

"He had the vision of what Renfro Valley is today. It had a special place in his heart," said Connie Hunt, vice president of entertainment for the Renfro Valley Entertainment Center.

Mr. Gabbard had grown up listening to country music and even dabbled in writing songs, mostly lyrics. Two songs he wrote or cowrote—"Lone Star Cafe" and "Please Play More Kenny Rogers"—got on the country charts. The Rogers song edged into the Top 40. He also wrote a song called "I've Always Wanted to Sing in Renfro Valley."

J.P. Pennington of the musical group Exile, who had known Mr. Gabbard since they were children, said that he and Mr. Gabbard recently collaborated on two songs, "Lovin' Machine" and "Two-Heart Harmony." The first song they wrote together at Pennington's house. Mr. Gabbard supplied the title for the second song.

Mr. Gabbard was "too shy" to sing before an audience himself, but "he had definitely a keen musical sense about him," Pennington said.

#### BROADCAST EXECUTIVE

Mr. Gabbard had been president and general manager of Kentucky Central Television Inc., which sold its holdings, including the Kentucky stations, to Gray a couple of years ago. Mr. Gabbard had tried to put together a group of people to buy WKYT and WYMT, but they were outbid. He was named president and chief executive officer of Gray Communications Broadcast Group in September 1994, and president and board member of Gray Communications Systems Inc. last December.

He was in Boston to meet with potential investors in an effort to raise \$150 million for Gray Communications to buy John H. Phipps Inc. of Tallahassee, Fla., whose holdings include TV stations in Tallahassee and Knoxville.

"We've lost a very special friend, and most of us will tell you that we lost a very special mentor," said Wayne Martin, WKYT president and general manager. "The loss is significant to others beyond WKYT—he was nationally recognized."

Jim Jordan, a longtime friend and business associate, said: "It's a very sad day . . . he was the best broadcaster I ever met, period."

Jordan said that Mr. Gabbard had a great eye for spotting on-air and management talent.

Cawood Ledford, former broadcast voice of the University of Kentucky Wildcats, said: "His word was as good as a contract to me. I'll miss him tremendously as a personal friend."

Ledford also said he always "borrowed generously" from Mr. Gabbard when he was invited to give speeches. Mr. Gabbard, he said, had a knack for remembering jokes, and when Ledford was scheduled to give a speech, he often called Mr. Gabbard to refresh his memory on jokes that Mr. Gabbard had told him, then used them in his speeches.

#### SPINNING DISCS

Mr. Gabbard, a Berea native, was just a teenager when he had his first disc jockey job. He was a disc jockey, announcer and advertising salesman for WEKY-1340 AM in Richmond and a disc jockey and sales manager at WRVK-AM in Renfro Valley in the early to mid-1960s. He went on to become an advertising salesman and announcer for Lexington's WVLK radio and station manager of WEKY.

"I loved being a disc jockey more than anything I ever did, I guess. I got a charge out of talking to people and having them respond," he said several years ago.

He said he got into broadcasting in 1963 by accident. A high school teacher assigned students topics for speeches, and Gabbard—who was a "very average student"—got the topic that was left over: radio.

He drove from Berea to a Richmond radio station to ask for Associated press copy so he could practice reading.

The station had a young disc jockey named Ralph Hacker, who told Mr. Gabbard the station was looking for an announcer. He asked Mr. Gabbard to apply for the job.

Mr. Gabbard made an audition tape, and the station's manager told him he was pretty bad, but the manager was desperate for announcers and hired him anyway, he said in a 1987 interview.

He found his niche selling advertising.

After high school, he enrolled at Eastern Kentucky University with the idea of becoming a pharmacist. But by the end of his freshman year, he was making so much money selling ads that he quit school.

After the series of radio jobs, Mr. Gabbard became general sales manager of WKYT about 1970.

WKYT was struggling, Mr. Gabbard had said. His reaction was to develop creative sales packages and market them aggressively.

Later in the mid-1970s, he was promoted to vice president and general manager of WKYT. The move made him the youngest vice president and general manager of a top 100-market, network-affiliated television station in the country.

The TV business was simple then, with just the three commercial networks and Kentucky Educational Television. Lexington didn't have an independent station.

As vice president and general manager, Mr. Gabbard hired executives from outside the television industry because he wanted people who would "come in unprejudiced." He also put more emphasis on news.

When Mr. Gabbard got WKYT on more solid ground, he turned his attention to the mountains.

He was largely responsible for the opening of WYMT in Hazard, a satellite station of WKYT. The purpose of the Hazard station was to capture Eastern Kentucky audiences previously reached by television stations in West Virginia and other states, he said.

"It stands for 'We're your mountain television,'" he said in 1991.

After the first five years, the station still hadn't shown a net profit but Mr. Gabbard maintained it was still a wise investment.

"It's good to be able to say, 'There's a little crown jewel sitting there that we're proud of,'" he said.

He liked to say that WYMT had united Kentucky's mountain communities.

"Without Ralph Gabbard, there would be no 'YMT,'" said Tony Turner, WYMT news director. "It was his dream, his idea. He mapped it out, and there were a lot of obstacles."

Mr. Gabbard also went to Washington to urge Kentucky congressmen and senators to promote legislation that would discourage Eastern Kentucky cable systems from dropping KET.

He was a past president of the Kentucky Broadcasters Association and received its most prestigious honor, the Al Temple Award, in 1993.

He also had served on many boards, including local and regional hospital boards, and the boards of the Chamber of Commerce, Big Brothers, United Way and Boy Scouts. He was a member of the Georgetown College board of trustees at his death. He also was a member of the board of Host Communications Inc. in Lexington.

Mr. Gabbard is survived by his wife, Jackie Upton Gabbard; four sons, Joseph Marlon

Gabbard, Jason Ralph Gabbard, James Matthew Gabbard and Jesse Eden Gabbard; his mother, Maggie Eden Gabbard; and a sister, Charlotte Moore, all of Lexington.

Services will be at 11 a.m. Friday at Calvary Baptist Church in Lexington. Visitation will be from 1 to 4 p.m. and from 6 to 9 p.m. Thursday at W.R. Milward Mortuary—Broadway. Burial will be in Lexington Cemetery.

#### RALPH GABBARD SHAPED AND EXPANDED TV'S INFLUENCE

Lexington broadcasting executive Ralph Gabbard was a bona fide success story, rising from his Berea boyhood to a position of national leadership in the television industry.

His untimely death this week at 50 leaves his many friends and colleagues in shock, but the end of a life lived so fully and energetically leaves an example worth heeding.

As the driving force behind WKYT-TV (Channel 27) in the Lexington market, Mr. Gabbard realized early on that the advent of cable TV was a threat—or perhaps an opportunity. His response was typically savvy and creative.

Mr. Gabbard believed that his station would thrive the more it stressed its local identity. Thus he built a strong news team, became the TV flagship for University of Kentucky sports and made sure that WKYT played a role in every possible civic activity.

He extended this philosophy when WKYT bought and beefed up its sister station in the mountains, WYMT-TV. The stations enhanced each other naturally, giving each a toehold exactly where needed, and extending their company's influence throughout Kentucky.

By serving his community and region the best way he knew, Mr. Gabbard also bolstered a thriving business. He had been the station's president and general manager when it was part of the old Garvice Kincaid empire, and when WKYT was sold to Gray Communications Inc. in 1994, he was named president of the new parent company.

By then, Mr. Gabbard was a respected national figure in the TV industry, a true accomplishment for someone outside the big-city markets. He served as chairman of the CBS-TV affiliates and was a director of the National Association of Broadcasters.

Mr. Gabbard played a key role in the recent compromise between the TV industry and the Clinton administration to improve children's programming.

Throughout his career, Mr. Gabbard forged ahead with boldness, tenacity and innovation. He treated the Lexington TV market as if it were in the big leagues, and that's where he ultimately put himself.

That's a notable legacy and the reason that Ralph Gabbard will be sorely missed.

#### HONORING THE SCHEPKER'S ON THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. The data are undeniable: Individuals from strong families contribute to the society. In an era when nearly half of all couples married today will see their union dissolve into divorce, I believe it is both instructive and important to honor those who have taken the commitment of till death us do part seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong. For these important reasons, I rise today to honor Jacob and Sophie Schepker of St.

Louis, MO, who on August 10, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. Jacob and Sophie's commitment to the principles and values of their marriage deserves to be saluted and recognized.

#### INTELLIGENCE REAUTHORIZATION BILL

Mr. HATCH. Mr. President, I rise in support of S. 1718, the intelligence reauthorization bill, with the understanding that one inequity contained in the bill will be corrected in conference.

The bill in its current form contains what I believe is an inappropriate encroachment on the authority of the Federal Bureau of Investigation to staff its position of Assistant Director, National Security Division.

The current bill requires that the FBI consult with the DCI prior to this appointment. The FBI, like any other agency, should be vested with the sound discretion to fill its ranks in a manner that is not burdened by outside Agency influence. I perceive this proposed requirement as an infringement by the foreign intelligence community upon domestic law enforcement.

I recognize that, with respect to the FBI's National Security Division, there is some overlap between intelligence and law enforcement, but that alone does not justify the necessity of this measure. Let's not place an unnecessary check upon the FBI by imposing this additional requirement.

Remember, it was the National Security Division which, notwithstanding bureaucratic hostility within the CIA, vigorously pursued the Aldrich Ames case. How zealous will future NSD higher ups be if they feel their career may turn on CIA approval?

I urge each of you to support language which we have negotiated with the Intelligence Committee and the administration, which deletes the requirement that the FBI Director consult with the DCI prior to the appointment of its Assistant Director, National Security Division.

Replacing this requirement is a provision whereby the FBI Director notifies the DCI of its selection to this vital position. The DCI may then, but is not required, to consult with the FBI Director concerning the selection.

It is my belief that this provision more clearly recognizes the separate and distinct missions, as well as the differing standards by which the intelligence and law enforcement communities must operate. I urge each of my colleagues to endorse this proposed change.

#### HAPPY BIRTHDAY TO MARY SINGLETARY TAYLOR

Mr. HEFLIN. Mr. President, I rise today to extend my birthday wishes to Mrs. Mary Singletary Taylor, a native

of Henry County, AL. She was born 98 years ago today—September 18, 1898. I understand that with the exception of some hearing loss, Mrs. Taylor is in good shape and still reads the Dothan Eagle newspaper each morning before working on her tatting. She calls her tatting, which is a handmade lace and somewhat of a lost art, her therapy.

Mary's parents were W.B. and LaNora Singletary and her husband was Jasper Taylor, a farmer. Her niece is our own LaRose Taylor Shirley, who most of us know as a 16-year member of the U.S. Capitol Police Force. LaRose also hails from Henry County, which is located in the southeastern corner of Alabama.

Mary S. Taylor was a lifelong resident of Newville, AL, in Henry County, and now resides in the Henry County Nursing Home in Abbeville. She attended a one-room school in Caps, AL, until she finished the fifth grade and then transferred to the Abbeville Normal School, where she completed her education. She was an active and dedicated member of the Tolbert Baptist Church for approximately 70 wonderful years.

Mary was a homemaker and was known far and wide as an excellent and talented seamstress. She was especially known for her handmade baby clothes and her tatting.

I am pleased to congratulate Mrs. Taylor for reaching this milestone in her life and wish her many, many more happy birthdays.

#### MESSAGES FROM THE HOUSE

At 11:57 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 533. An act to clarify the rules governing removal of cases to Federal court, and for other purposes.

The message also announced that the House has passed the following bill, with an amendment, in which it requests the concurrence of the Senate:

S. 1507. An act to provide for the extension of the Parole Commission to oversee cases of prisoners sentenced under prior law, to reduce the size of the Parole Commission, and for other purposes.

The message further announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 1684. An act to require the Secretary of the Treasury to mint coins in commemoration of the 150th anniversary of the death of Dolly Madison.

H.R. 1776. An act to require the Secretary of the Treasury to mint coins in commemoration of Black Revolutionary War patriots and the 275th anniversary of the 1st Black Revolutionary War patriot, Crispus Attucks.

H.R. 1886. An act for the relief of John Wesley Davis.